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days of the oncoming of the Turk. Lek fought on the side of Venice, and when Scutari fell in 1472 he and many refugees fled to Italy along with the Venetians. But when Sultan Mahommed II died in 1481 and his sons fought for the throne, Turkish rule in Europe was in a critical state. The Serbs, however, helped to re-establish it by fighting on behalf of one of the claimants. During the confusion Lek Dukagin returned to his homelands, as did also Ivan Tzrnojevitch, the founder of Montenegro. Ivan became a vassal of the Turks, and is known to this day in Montenegro by his Turkish title, Ivan Beg. Lek Dukagin is not recorded to have done so. That he ruled as he pleased in the mountains is shown by his great fame there. It is said that in 1464 Pope Paul II had excommunicated him for his most un-Christian code.

Of the descendants of the Dukagini two are recorded as turning Moslem. Some settled in Venice—a "Luca Ducagini Duca di Pulato e dell stato Ducagini" is recorded in Venice in 1506. The Bib Doda family, who, until the Great War, were the hereditary chiefs of Mirdita, claimed descent from the Dukagini, but could give no definite pedigree. The tribe Bijelopavlitch in Montenegro traces descent from Paul i Bardh (Paul the White), brother or nephew of Lek.

Though Lek enforced the Canon, it so much resembles tribe law of other lands that we cannot believe he originated it in the fifteenth century. What he evidently strove to do was to check crime by inflicting certain punishments. That—as the tribesmen always declared—he both ordered the taking of blood and fixed a punishment for so doing, is incredible. He probably modified and added to existing law and strictly enforced it.

This is the Canon so far as I know it. Dom Kol Ashti, the very worthy priest of Shkreli, gave me many facts. Others I learnt from Mgr. Miédia, now Archbishop of Scutari. Much I picked up in my travels, and by comparing all have compiled the following account. In Maltsia e Madhe the Canon was much modified. Among the Dukagini it was in more primitive form. The Turkish Government had somewhat modified it; but everywhere it emphasized the tribe. The tribe has jurisdiction only within its lands.

MURDER WITHIN THE TRIBE

Murder may be the result of a quarrel or it may be a blood-feud, the cause of which is more or less remote. In either case the man who has taken blood flies at once to a safe place outside the tribe. Any house is bound to give him hospitality. In the case of a feud, he is regarded as a most unfortunate man who has but done his duty. He at once proclaims his deed. The headmen of his tribe then meet and

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order his house to be burnt. Among the Dukagini the council has power also to destroy his crops, cut down his fruit trees, slaughter his beasts, and condemn the land to lie unworked for a term of years. An incredible amount of food-stuff is thus wasted. In this group not only the man who has taken blood, but all the males of his "house," are liable for blood, so they, too, have to fly. The "house" is the home maybe of a whole family community—forty people. But the law is carried out to the last letter. Such desolated spots have I seen. But "It is the Canon, so must be obeyed," was the answer to any remonstrance I made. The women and children may scatter and find shelter in other houses if they can; they usually do. A man can save his house if he can return to it and defend it three days successfully, so that the men sent by the council cannot set fire to it; I saw "a very brave man" in Berisha who had three times saved his house thus. Or a man can save his house by inviting the head of another mehala to act as house lord and defend it with his own men. This might cause severe fighting. The council, to prevent this, then as a rule agrees to burn the house only and spare the property. The amount of property to be destroyed was always to be decided by the council.

In Maltsia e Madhe a man was allowed to redeem his house by paying from £5 to £10 by a modification of the old law.

In addition to the burning of the house, in all tribes a fine has to be paid. Fines are paid in sheep or cattle. The fines varied in different districts. In both groups a fine had to be paid to the Turkish Government. In the case of Maltsia e Madhe this was paid to the Sergerdé and the Bulukbashes, who represented the tribes in Scutari. It was generally paid punctually. "Lek decreed that a fine must be paid, so it must be." Moreover, the Turkish Government had a certain hold on all the nearer tribes, for it could hold as hostage any member of a tribe which owed blood-gelt and came to market at Scutari. The outlying tribes of Dukagini by no means always either notified or paid for their murders.

Feuds being very weakening to a tribe, the headmen of the tribe or friends of the family would attempt to stop the feud. Blood-feuds of the Dukagini and Pulati tribes are settled in the mountains; those of Maltsia e Madhe were settled in Scutari before the representatives of those tribes who lived there.

The peace-making is preceded by the "gjaksur" (he who owes blood) sending some friends to the "zoti i gjakut" (lord of blood) to ask for "besa" (promise of truce). This may be granted and further prolonged, and during the truce the gjaksur and his relatives are safe. To end the feud, "me paitue gjak" (pacify the blood), twenty-four con-jurors are needed to swear the peace oath with the gjaksur. The

693 plaintiff (lord of blood) has the right to name them. Or they may be
609 named by the "bairaktar" (head of the tribe). This is only done if the
682 matter cannot be settled by con-jurors chosen by the plaintiff.

The gjaksur has the right to object to two of the con-jurors, who must be replaced by others. The con-jurors are all men of standing in the tribe ("plect," elders; "kren," heads). They examine the facts and hear the accused ("gjaksur") and decide if peace can be made and on what terms. If all twenty-four agree to take the peace oath with him he is then reckoned innocent, and he and his family do not owe any further blood, but pay blood-gelt to the zoti i gjakut. This varied from about £25 to £50. If they all agree but one, he may be replaced by two others. If still no agreement is come to, the gjaksur may bring more con-jurors, who are members of his family, up to the number of eight.

Agreement having been come to, the whole party goes into the
[682 church (or mosque) before which the council has been held. In the
608] church the candles are lighted on the altar, and in the presence of the priest the gjaksur swears his innocence. He no longer owes blood and is, therefore, innocent. Next swear those of his family who may have been summoned, and then all the con-jurors. After this the gjaksur and the zoti i gjakut frequently ratify the peace by swearing blood brotherhood (*v.* Blood Brotherhood).

By Moslems the oath is sworn in the mosque.

693 Each of the con-jurors has to be paid a small fee for his services. The plaintiff in some cases can thus annoy the accused by insisting upon the full number of con-jurors allowed by the law. A priest counts as twelve con-jurors, and sometimes an important elder is reckoned as two.

628 The oath being taken and the blood-gelt paid, the man is free to return to his burnt house and repair it. Being as a rule of solid stone, only the roof and woodwork need renewing. If he is a popular man, other members of the tribe help him both to pay the fine and start life again.

627 To Mgr. Miédia, now Archbishop of Scutari, I am indebted for an
682 account of how two families can make peace voluntarily without appeal to the law. Having ascertained by means of emissaries that peace will be acceptable, the gjaksur and his relatives choose a feast day and enter the house of the injured family with their hands bound. A child placed the wrong way round in a cradle is carried with them. If the peace offer is accepted the lord of blood loosens their bonds and puts the child straight in the cradle. The blood-gelt is then arranged and paid. This custom existed among the Dukagini.

682 The above all refers to a murder committed by one man. But it
628 may happen that several men all fire at once and kill a man. A search

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for bullets is made in the body. If four men have fired and but three bullets are found, any one of them may be innocent of the death. If each can get twenty-four con-jurors to swear innocence with him, all secure acquittal. Any who cannot find twenty-four con-jurors are guilty and owe blood. If there are as many bullets as men, then all owe blood.

For killing a woman, which is a rare thing, blood may be taken. If she is unmarried, it is taken by her father's family; usually by her brother. If married, her father's family may take blood for her within the year. After that only her husband's family has the right to do so. Blood-gelt, if any, for a woman is very small. The tribe does not punish the murderer; it is purely a family affair. The death of a woman does not weaken the tribe, for she is of another blood and can easily be replaced from without; whereas a man cannot be replaced.

If a pregnant woman be killed two bloods can be claimed. Dom Kol Ashti told me that cases have occurred even in which a grave has been opened to settle the question of blood-gelt for the unborn child, and full payment claimed if it proved to be a male.

Cases in which killing is justified and is not punishable.—1. Blood may be taken for rape and none may be taken in return.

2. If the relatives of the man who is shot succeed in taking blood at once, shoot the murderer that day, the blood is laid and no more can be taken.

3. A woman taken in adultery may be killed along with her partner by her husband or brother and no punishment follows. But should her husband kill her and not the man, her family can take blood for her.

In none of the above cases, I believe, does the tribe punish; nor has the tribe, at any rate in some places, the power to punish a crime committed within the "shpi" (house). When I was in Shala, at the priest's house in 1908, we heard two shots fired. Someone ran in to call the priest to a man who was dying; it was too late. In a dispute about the irrigation channels in the fields, a man had killed his own first cousin. Both were inmates of one large house. The crime excited genuine horror and was loudly discussed. Public opinion seemed to think something should be done—but what? It is the clear duty of a house to take blood as atonement for blood that has been taken. But the house, having already lost a man, cannot make matters any better by taking more of its own blood. This could not be expected; nor could any outsider interfere in what was a matter for the house lord. He could not be both lord of blood and gjaksur—could not owe himself blood. It was, in fact, an example of *patria potestas*. He decided to do nothing but hold a fine funeral to show his regret for the loss; and so sure was he that he was acting correctly that he sent a boy to the priest's

682 578 house to borrow sugar for the funeral feast—a request which was refused. As I was the priest's guest, I could not attend the funeral; but it must have been interesting, for the murderer was one of the chief mourners—perhaps honestly so. My suggestion that he should be handed over [692] to the Turkish authorities in Scutari for punishment was not received at all well by anyone; and it was pointed out to me that had it not 771 been the Will of God the man could not have died of only two bullets. Many men live with more in them. This curious case suggests that in earlier days the house lord may have had the power of life and death over his subjects.

MURDER OUTSIDE THE TRIBE

682 628 The tribe inflicts no punishment. The Turkish Government got its fine if it could. Fines, in fact, being part of the Government's revenue, no effort was made to stop blood-taking by it.

The relatives of the murdered man take blood for him, of the family of the murderer if they can. An intertribal feud may become so intense that two whole tribes are "in blood." Peace can only be established by [727] a Council of Elders of both tribes. When made, it was sometimes strengthened by marrying the daughter of one party to a man of the [608] other. Or blood brotherhood may be sworn. The blood-gelt, fines, and the peace oath are as already described.

WOUNDING

683 A wound inflicted intentionally comes under the laws for blood. The house of the guilty man can be burnt and his goods can be seized (this in Dukagini), as in case of murder, if the elders examining the case think fit. He is liable to have his own blood taken by the injured man or his relatives. Blood of his son and brother may be taken (Dukagini). [693] Con-jurors up to twenty-four may be called, but according to the nature of the injury a smaller number may suffice. The fine paid is in proportion to the wound, and is decided by the elders. The price to be paid for a death—a fatal wound—is taken as standard, and the wound reckoned as one-half, quarter, tenth, etc., of a death price. It is, in fact, payment for the amount of blood lost.

In the case of a wound given accidentally, the house is not burnt, but the wound must be paid for. A man I knew, playing with a rifle, accidentally shot a woman through the foot and, unfortunately, made her lame for life. He had to pay fifteen napoleons to her husband (for damaging his property), and had to undertake to pay a further fifteen should the woman die at any future time as a result of lameness.

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he who must find the money for compensating the injured neighbour. He sought it naturally in the common purse according to the law that 'the mishaps of a son are shared by his father and brothers'. If however, a subordinate killed a neighbour, it was just as likely that he himself or another subordinate would have to pay the penalty of a life for a life as that the master would have to do so. Presumably this anomalous division of responsibility arose because if the master alone were responsible for a murder, he would be so closely guarded that there would be no catching him and the murdered man's death would remain unavenged.[1]

Though the master's authority, resting as it did on his customary and traditional acceptance as his predecessor's choice or on his election by general consent of the household, was essentially moral, it was also backed by certain powers of enforcement. He had the right to beat a culprit, to leave him hungry, or to tie him up in a room or cellar until he came to a more proper frame of mind. This applied equally to the women; in fact, the commonest victim of tying up in a cellar was a girl who had jibbed at a proposed marriage. When a subordinate was grossly at fault and seemed incorrigible, the master might threaten to give him his portion and turn him out to fend for himself, and if the man did not reform, he would carry out the threat. In Krujë the author was present when a father expelled one of his sons for killing the other. In Turkish times the master had another salutary form of punishment at his disposal. This was taking away a culprit's arms for a week or two, so reducing him to the status of women and greybeards. 'Once shamed, twice shy' was almost invariably the result. But the best of masters might be helpless with a shiftless subordinate who had grown too old to beat. So long as the latter avoided gross misdemeanours like murder, he might idle with impunity. For physical reasons the master could not force him to work, and except in extreme cases the Unwritten Law disapproved of turning him out to sink or swim as an angry English parent might do.[2] The law said

[1] It is perhaps more likely that this vicarious responsibility of any member of the family instead of the master only is the survival of the more ancient practice unmodified by more civilized conventions. It is typical of the blood feud in more primitive societies than that of Albania. (Ed.)

[2] In Montenegrin tribal law the disobedient son might be fined the first time, confined and beaten the second and third time, and only expelled after that, expulsion involving disinheritance. *Vide* Durham, *Some Tribal Origins, Laws and Customs of the Balkans*, p. 84. (Ed.)

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dismissed with only the wages due until then. Since it was in a sense his own house and his own father that he had robbed, he could not be given a second chance; he was too obviously devoid of ordinary decency to be trusted again. And since the law forbade his master to strike him, he could not be beaten, as a thievish woman might be, till he reformed.

Dismissal did not end his story. He had to pay the statutory fine for housebreaking and to bring his late master two of everything he had stolen. If he had no money for the fine, he had to find a surety for the amount and then go and earn it elsewhere. After European legal codes were introduced at the end of the 1920's, these unwritten laws lost much of their force, and it was rather by threatening to get the thief sent to prison that an injured master obtained restitution.

In less sophisticated days a servant who was only suspected of robbing his master could be tried by the ordeal of the oath. If this proved him innocent, his master had to pay him six *qese* ('purses' for unjustly accusing him, besides a full year's wages and clothes If it was later found that he had perjured himself, the elders fined him twenty-four *qese*, of which half went to the church (or mosque) and half to the tribe; he had also to return to his master the six *qese* and the unearned wages and clothes which he had won from him by perjury. It sometimes transpired, however, that the informant who had disclosed his perjury had lied himself. Then the elders once more declared the servant innocent, ordered the church and tribe to return his twenty-four *qese*, and the informant to pay him a year's wages and clothes besides six *qese* for the false accusation.

If a servant stole in his master's village or another community, punishment depended on who had instigated the crime. If his master had done so, he and not the servant was in fault, and it was for him to make reparation to the victim. He must also dismiss the servant forthwith as a public nuisance; but since the man was only his tool, he must pay him a full year's wages. If, on the other hand, a servant stole on his own initiative, the fault was his and it was for him alone to make restitution. In addition, he might be legally dismissed with no more than the wages he had earned.

Much the same laws applied when a servant committed a murder. If he did so at his master's instigation, both were punished. He must be dismissed, but his master must pay him a full year's wages. The resultant blood feud was primarily his concern, but if he

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357 882 672 escaped from the district, his master might lawfully be shot in his stead. When, however, a servant murdered on his own responsibility, he alone should suffer for the crime. His master was entitled, in dismissing him, to keep back the portion of his wages for which he had not worked, and according to Lek's Kanùn ought not to be shot in his stead. Skanderbeg's law, however, held him as liable in this case as in the former.

357 664 [608] The only available information about a servant's seducing a girl or young wife in his master's family comes from Martanesh and Shkrel and dates from past times. In Martanesh the law condemned the man to death for incest because his master was his 'father' and the young woman his 'sister'. In Shkrel he was killed [836] at once if he had sinned with a young wife, but if with a girl he was dismissed with orders to hold his tongue, and only if he talked did the girl's father go and shoot him. As for the girl, she was married [835] to her fiancé as quickly as possible. He was not told that she was pregnant by another man, and would not have cared if he had been. He wanted her as wife and worker and felt sure that he was man enough to keep her straight after marriage; beatings always worked [848] wonders. The child was sent to the servant as soon as born; he never acknowledged it but either killed it or exposed it by the wayside. The father did not dare to beat the girl in case she ran away to the servant; at all costs he had to keep her for her fiancé, who had presumably paid a good proportion of her bride-price and would have killed him had he failed to deliver her. Presumably the fact that a servant was held to be of little or no account saved the wife or girl from the usual punishment for adultery.[1]

357 [502] Sometimes, despite their being 'brother' and 'sister', a servant married his master's daughter. Thus an ancestor of Bicaj was a Catholic of Gjugjë in Mirditë who entered the service of Hysen Agë Shteki of Bicaj, turned Moslem, and married Hysen Agë's daughter. Even in modern times a servant may be given his master's daughter in marriage. This is particularly likely to happen if his master is Moslem and he a Christian who agrees to change his religion. His master then looks on his own consent to the marriage as an act of piety. Servants varied in importance according to the master they served. Thus the servant of a Moslem priest (*hoxhë*) had more power than an ordinary peasant's and less than a bajraktar's —at least in the days before most bajraktars were shorn of their

[1] See Chapter XXI.

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as he saw his dog about to bite, might even shoot the animal, regarding its loss as the lesser evil. Occasionally a man sought to disclaim responsibility, shouting that he was not a chain-making gypsy and only bought, and did not make, the faulty chain. The stranger would retort that he was not dog's meat. Then revolvers might be drawn and a blood feud begun. More probably the dog's owner sullenly invited the wounded man to partake of the hospitality demanded by the law.

If a house dog killed a stranger during the daytime, it was in most places as if its master had killed him and a blood feud sprang up between the two families. In Dibër, however, the payment of full blood money generally satisfied the bereaved family.

During the night the law was entirely on the side of the house dog and its master. No matter how the animal might threaten a stranger he might not kill it. If he did so, he must pay blood money or have a feud with its master, exactly as if it was the latter he had killed. The Kanùn says clearly that 'at night a dog is equivalent to a man'. Indeed, in some places such as Çermenikë the animal was thought more important and its murder by night was more serious. If a house dog succeeded in biting a stranger at night, the latter got nothing from its master—neither hospitality and doctor's fees nor indemnity for wages lost. From his neighbours he got mockery—'Fancy letting yourself be bitten by a dog. You're a fine man.' Even if a house dog killed a stranger at night there was no compensation, the death went unavenged. Once upon a time, in Lurë, a daughter-in-law of Demir Lleshi went out at night into her own farmyard. A neighbour's dog sprang on her and killed her, but since it was night time, the dog's time, her blood was lost. It was immaterial that the dog was trespassing and that she was on her own ground.

There was only one exception to these rules. If a house stood near a main road an aggressive dog might be killed during the night without penalty. A higher law stated that 'it is not right to cut a main road with a dog'. In the far north bajraktars and elders had been known to order fierce dogs near a main road to be kept chained at night as well as during the day.

The blood money which was payable on killing a house dog at night was generally the same as would be payable if a man had been killed. The blood money for a bitch was the same as for a dog; there was no discrimination between the sexes as there was in the

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Then, to guard against the man's forswearing himself they stipulated that a certain number of men must swear at the same time to his innocence. These might or might not be more than men of standing and reputed probity. Whether or not, they were called 'juror elders' for the period covered by the oath.

A subsection of juror elders was known as 'murder elders'. Men of unusually high repute who never shot without cause or stole or burned a neighbour's property, but not necessarily drawn from the ranks of canon elders, these were qualified by their character for swearing to the innocence of a man accused of murder. This crime being the most serious of all, twenty-four of them had to be found on each occasion. As usual, half were nominated by the judging elders and half found by the accused. When the first half had given their oath the accused was virtually cleared and the oath he then gave was only a formality. In Lumë the more important 'murder elders' refused to waste time on giving their oath in cases of petty crime but always came forward in murder cases if they thought the accused innocent. The mere fact of their coming forward in a case sometimes ended it, the rest of the proceedings seeming farcical by comparison.

In the more organized north there were, besides the Gjomarkaj family, recognized substitutes for elders. The Hereditary Captain of Mirditë represented the family which had ruled over the Alpine region of Orosh and its kindred of Dibër, Fan, Kushnen and Spaç for several hundred years and was said by some to be descended from the Albanian national hero, Skanderbeg. It had remained Catholic, and its long pedigree may be found in the church registers of Orosh. This family was the 'foundation of law'. Specially difficult cases in Mirditë were referred straight to its head for solution. Any case which three pairs of elders had failed to settle was taken to the chieftains of the subtribes and finally to the head of the Gjomarkaj family. Beyond this there was no appeal. Outsiders, even Mohammedan outsiders, were often glad to refer knotty problems to the family. In view of his exalted position the head had many legal rights. He took precedence in every assembly wherever and whenever met. He had the right to summon chieftains and populace to a General Assembly. Whenever necessary he could summon one man per family to a General Assembly in Shën Pal. At every trial or arbitration he could intervene. He had the right to uproot a family and expel it from Mirditë. He could

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682 628 The following story told by Miss Durham[1] throws light upon the mind of a tribe on this point:

In the spring of 1908 a tribesman of Gjan, quarrelling with a tribesman of neighbouring Shosh, snatched a firebrand from the hearth and flung it in his face. It would have been bad enough to kill the man of Shosh, but it was worse to insult him with such a blow. The Gjan man, fearing the wrath to come, fled with all speed. The Shosh man was so enraged that, unable to catch the actual culprit and clear his honour by shooting him, he went to Gjan and shot 'an unhappy little boy, unarmed and but eight years old'... 'whose only crime was that he belonged to the same tribe as the offender'.... 'Gjan was filled with rage. That Shosh had the right to take blood of any man of the tribe they freely admitted, but to kill a child was dishonourable.' On the following Whit Sunday a General Assembly of Shosh met to debate the case. 'Shosh was violently indignant over the affair and public opinion ran so high that the murderer had not dared to remain in the tribe but had fled. The *Mexhlis* now was held to decide whether his house should be burnt as punishment. Many were in favour of this. The difficulty was that there was no law under which this could be done. The blood had been taken *outside* the tribe; it was therefore not a crime against the tribe and not punishable by it. The duty of vengeance lay with the dead boy's family. All agreed that if they liked to come and fire the house Shosh would not oppose it. But as the near relatives were a crippled father and a child they were incapable of executing justice in the face of the opposition which would certainly be put up by the murderer's family. The question caused great excitement. The burning of the house would entail passing a new law to punish a man for a crime against another tribe. This would mean an entire reconstruction of the code and nothing less than considering themselves as a nation, and not as detached tribes.' Miss Durham asked 'whether it were not possible at least to pass a law to punish any man killing a child not of age to bear arms'. It was pointed out that if Shosh did so and neighbour tribes did not, Shosh would be at a disadvantage.... The question was discussed for two days, and was undecided when Miss Durham left.

793 217 Proceedings at a General Assembly terminated in Catholic areas with the drawing up of minutes by the priest, the only man present

[1] See *Some Tribal Origins* etc., p. 165. [i.e. a ban on introducing innovations in tribal law --Analyst]

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671 *Tomori* on 7 November 1942. The greater part of this document deals with an entirely new situation and the methods by which the people of Mat undertake to adapt themselves to it. But even in this document there appears the familiar restatement of old laws against the familiar crimes of murder, theft and the abduction of women.

681 Differences in the penalties laid down for the same offence may possibly point to social and economic differences among the tribes. For example, in Nikaj, Shalë and Curraj (Documents VII and VIII) a defaulting debtor is to be deprived of civil rights and may be killed or robbed unless he meets his obligations. In Kastrat (V) he is fined twenty-three grosh as a defaulter, but much more heavily fined if his sureties have to pay his debt. Nikaj was a poorer area than Kastrat, and that fact may explain to some extent the difference in penalty. The treatment of stealing also differs as between Kastrat and Shalë which was the poorer of the two. In Kastrat the robber of another's house or sheepfold is to be fined 500 grosh and five rams, but in Shalë (X) the thief who steals a single animal—a ewe, a goat, a cow—is to have 'his harvest burnt, his fields plucked bare and his grain panniers smashed'.

628 682 Some stories related by Father Gjeçov illustrate the application and development of the law. About 1860 a villager of Fregënë in the Mirditë tribe of Dibër told a neighbour to kill a certain man and promised that when the time came to pay the blood money he would see to it. On the faith of this promise the neighbour ambushed the man on the high road and shot him dead. A little later, Captain Bibë Doda, the Gjomarkaj of the day, went on tour for the purpose of composing current blood feuds. The Fregënë feud came up, among others, and the murderer was ordered to rebuild his victim's house by way of paying blood money. He asked his evil counsellor for the money he had promised, but the latter declined to pay. Captain Bibë and the heads of the tribe summoned this man, and asked him if he had told his neighbour to commit the murder and promised to pay the blood money. The man dared not deny doing so. Then Captain Bibë, together with the bajraktar of Dibër and other heads, reasoning that 'lips can't land a man in a blood feud' and 'words don't make a funeral', made it law that 'Murder depends on the finger'; that is to say, the murderer who must pay with his life or money for the crime is the man whose finger pulled the trigger. They then sentenced the Fregënë murderer to pay blood money for his crime, saying that

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while he had gone to the ambush by another's instructions he had walked there on his own legs. As the instigator of the crime had broken his promise about paying the blood money, they sentenced him to have his house burned down by the tribe.

On one occasion Lek Dukagjini had come at Skanderbeg's invitation to discuss some blood feuds at a General Assembly of all the tribes in the land. Skanderbeg opposed the principle of 'a life for a life' on the grounds that all men were *not* equal; the blood of a physically fine man was different from that of a poor type. At Lek's suggestion, however, he inquired of his mother, upon oath, what sort of a man his father had been. On learning that he had been a poor type, Skanderbeg at the next Assembly agreed to the principle of equality!

About 1870, when Kolë Prenga the Great was Captain of Mirditë, a jar of butter was stolen from the church house in Orosh during the priest's absence. On his return his servant, who had also been away at the time, informed him of the theft. The priest, a Franciscan, informed the bajraktar of Orosh. The latter convened the tribe (*bajrak*) but no one confessed to the theft. The bajraktar then informed Captain Kola. The captain undertook to track down the culprit, and one day ordered the tribe to assemble on the open space in front of the church at Orosh. In spite of Captain Kola's questions no one came forward to confess to the crime. Then Captain Kola, together with the chiefs of the tribe, sentenced the unknown thief to death and banishment from the tribe; his house, too, was to be destroyed and his land left uncultivated. Not long afterwards the thieves were discovered. They were two young men of Orosh, Prengë Kolë Marku and another whose name has been forgotten. Captain Kolë Prenga the Great again ordered the tribe to assemble, one man from every house, at the church at Orosh. The two young men also came by order to the meeting. Captain Kola read out the sentence that had previously been pronounced. The two thieves were stood in the middle of an open space, unarmed and with their hands folded at the waist. The tribe stood up awaiting the captain's order to fire. But the priest, filled with pity for the culprits, begged the captain, the chiefs and the commoners to grant them their lives. This was done, they paid money to the church for their sacrilege, returned twice the quantity of what they had stolen, paid the usual fine and were expelled from the tribe.

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

offenders, banishing others, and executing the ringleaders if these had committed any crime entailing the death penalty.

Sometimes a village went to actual war with the rest of the tribe. As it never did so unless it knew itself to be very strong, the rest of the tribe was sometimes unable to reduce it. If the tribe was alone, the war went on until both sides were exhausted enough to cry halt. If the tribe was one of a group its heads could call in all the men of the other tribes to reduce the belligerent. In Mirditë a Gjomarkaj called the General Assembly which decided on this step, and led its members against the belligerent.

Sometimes, like a pestilent village, a tribe that formed part of a group made itself a nuisance to its neighbours. In that case the General Assembly of the other tribes in the group sentenced it wholesale to the usual penalties—fines for mild offenders, burning out for medium offenders and death for bad offenders. A whole tribe, however, could not be banished. It could only be ostracized, cut off from all intercourse with its neighbours; this penalty lasted until it consented to furnish the usual pledges for its future behaviour.

Village Assemblies dealt with matters of exclusively village interest. They regulated wood-cutting and irrigation rights, for example. They fixed the date at which beasts might be sent up to their summer pasturage on the high mountains. They stipulated the number of beasts that might be sent up by each family. They took steps to see that no one appropriated more than his fair share of forest, irrigation water or grazing. In so doing they made a valuable contribution to the public peace. Some aspects of murder also engaged their attention. The actual crime and revenge for it were the concern only of the families of the murderer and his victim. But it was the concern of the village that the range of revenge should not spread, increasing the number of avenging assassinations and so disturbing the village peace. So the law having laid down that the avenger must allow the murderer a day or two's grace to settle up his affairs before he was besieged in his house, the village had to extract a promise of this grace from the avenger. In cases where the grace lasted for thirty days, the village had to see that the murderer did not abuse his privilege and harry the victim's family. If he showed any such tendency, the village in General Assembly had to fine him and bring his period of grace to an untimely end.

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

685 695 oath', but in theft cases he was often called the 'thief', and this from the outset of the case until he was cleared. Father Gjeçov also calls the oath-taker in criminal cases 'the accused', but this seems a literary term chosen by himself rather than a popular usage in Mirditë. In theft cases, the accuser was most often described by a periphrasis—being called in Godolesh the 'plaintiff', in Mirditë 'the owner of the lost property', in Martanesh 'the owner of the stolen property', 'the injured party' or 'the man robbed', in Fulqet 'the injured party', and in Zerqan 'the owner of the property'.

695 [692] In murder cases, save for Father Gjeçov's occasional 'loader', the accuser was always called 'the man with the feud', the 'avenger' (lit. 'the owner of the blood'), and in disputes about property 'the plaintiff'.

When an oath has been sworn by a suspect or a claimant to property, the innocence of the one or the claim of the other had generally to be established by the oath of a predetermined number of compurgators.

[693] It was legally impossible for a suspect to clear himself by his unsupported oath. In the words of a proverb 'A wolf licks his own flesh and eats a stranger's'. An oath-taker might not flinch from perjury in order to establish his own innocence or his claim to a property, but as compurgator he was likely to be more scrupulous. So the law said there could be no complete oath without a jury. But as usual it made exceptions. When a suspect or claimant was ordered to swear one of the very solemn oaths in which perjury involved the extinction of his whole family, his personal stake was so great that a jury was dispensed with. The best example comes from Martanesh, where a jury was necessary in oaths sworn on the Koran or bread, but not in family oaths sworn at Balim Sulltan's grave.

[694] It was both the right and the duty of the members of the jury to gather all available evidence about the case and to make up their minds about its rights and wrongs before they came finally to court to record their verdict. An interval was therefore left between the nominations of jurors and the final oath-taking, in order to give them time to investigate the case. As a last step in their collection of evidence they then gathered to hear the oath-taker take the prescribed oath. They brought in their verdict by exercising their right to decide whether or not to take the oath. To

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

into a house or sheepfold, though in some districts the house-627
holder or shepherd had to warn the thief three times before 685
shooting in order to avoid a blood feud. The local law said, 'A thief's blood is lost'. In Mirditë, however, there was a saying that 'A blood feud is not stopped by felony', and there it was forbidden to kill a housebreaker at sight. This prohibition had been introduced to prevent men killing their enemies and placing their dead bodies in the farmyard to give the impression that they had been caught in the act of theft.

A man who robbed a child or a woman, stole a loaded packhorse, or another man's gun, could be shot even when not caught in the act, though a blood feud might follow such action.

In Turkish times, the authorities had to be informed of the 687
death of anyone in the act of theft, but they did not punish the man who had killed him. They required only that he should keep watch and ward over the body till some official arrived and send word to the relatives to make arrangements for burial. After the funeral, the relatives and the killer resumed ordinary relations. Strong men, of course, sometimes overrode the ordinary rules and decencies. Thus Deli Beg, the overlord of Preze, an old market centre, was so determined to stop all raids on his flocks that he not only killed all thieves, but shamed them when dead. He tied their bodies on horses, with the heads propped up with a muleteer's forked stick, and drove them through the village streets. He never troubled to inform the authorities of the deaths.

There were elaborate rules for the detection of the thief who 685
succeeded in escaping with his booty. In Lumë the village 694
authorities had the right to search one house after another for the stolen property. Everywhere the victim might try and find it for himself. He would follow the tracks of a stolen animal, generally in the direction of the home of someone known to have a grudge against him. When the tracks ended at a house or its immediate surroundings, the master was regarded as convicted of the theft. 'Track on the ground, animal found', and the owner had the right to take it away immediately if it was still alive. The thief might refuse to produce it and the owner could then ask leave to search the premises. If such permission was not given, the owner had to turn to the elders to enlist their help, as he also had to do if it were found that the animal was dead.

When the beast's tracks stopped between two houses, the

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CHAPTER XXI

MURDER WITHIN THE FAMILY

682 When a man murdered his son, father, brother, paternal uncle,
627 paternal uncle's son, or brother's son, the usual verdict was that
596 in killing so near a relative the murderer had 'killed himself'. The victim's blood was therefore lost, 'no one sought-to-avenge him', and it had only been his 'ill-luck' so to die.

From another point of view it might be argued that since the murderer was the victim's nearest relative, other relatives could not act over his head and avenge the dead man. For example, when a man murdered his paternal uncle, if the latter left neither son nor brother, his blood was lost, for the murderer was his nearest relative and by killing him had only killed himself. On the other hand, if the uncle left either a son or a brother, that son or brother was nearer to him than the murderer and avenged his death. In view of his relationship to the criminal his vengeance generally took the form of exacting blood money. In the same way when a man murdered his brother's son, the victim's blood was lost if he left neither father nor brother. But if he left either, the murderer had to pay blood money. The rule of the nearest relative failed only if one brother killed another while their father was alive. Though the father was the nearest relative of the victim, the fratricide being only a neighbour by comparison, the victim's blood was lost. The father could not avenge him except by killing his surviving son, and even from the best of motives no decent father would kill a son.

[672] The motive of the murderer seldom affected the situation. The murder of a son, an extremely rare occurrence, was oftenest due
[584] to his adultery with his young stepmother. His blood was lost, not because of his sin, but solely because the father who murdered him
[587] was his nearest relative. Again, one brother sometimes fell in love with the other's wife, and knowing, especially in north Albania,
[602] that if she became a widow he could by customary law marry her, could not always resist the temptation to make her a widow. The
[558] victim's blood was lost in spite of the murderer's motive, and the fratricide married the widow and suffered no disability except some loss of face.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

loss of face. At Krujë in 1930 when the authorities sought to punish a man who had murdered his brother during a quarrel, the widow swore that the pistol had gone off accidentally when her brother-in-law was trying to wrest it from her husband, who had threatened suicide. Having thus prevented the authorities from taking action, the widow made no effort to keep the true story of the murder quiet, but repeated it every day during the month when the women met for the ceremonial 'keening'. She was also openly commended by the public for preventing the government from shaming her husband's family by arresting the murderer.

Exceptionally, if the murderer's motive was bad by tribal standards, his relative was well avenged. For instance, if a man killed his cousin or nephew to get his land, the crime was considered so anti-social that the murderer was killed by the community, his blood was lost, and his family expelled. Again, exceptionally, a motive might be so good by tribal standards as to win the murderer public admiration. Thus children in Shalë were taught with great pride that once a tribesman killed his brother for killing a guest, for an Albanian's duty to his guest transcends the claims of blood relationship.

Two modifications of the general rule are to be noted. In Mirditë in spite of the victim's blood being lost, the murderer had to pay the tribe the fine due in cases of ordinary murder, 100 rams and an ox. In the Malësi e Madhe if the two brothers had separated the fratricide had to pay blood money to his brother's dependants. If the widow had no children, she took all the money; if she had a daughter only, she again took it all, for when the time came for the girl to marry, she would as 'head of the family' have to pay the wedding expenses; if she had a son, he took all the money, for his father's death had made him head of the family. The blood money was therefore alimony payable to the widow and orphans who had been robbed of their breadwinner. If the two brothers had not separated, the fratricide as a matter of course supported the widow and orphans along with the other members of his household and the question of alimony did not arise.

Parricide was thought the most abhorrent of all murders within the family. In a sense a father had the right to kill his son without being asked by anybody what he had done, but a son unnatural enough to kill his father could surely not have been got by that father, but must be a bastard. Even where his crime was regarded

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682 627 593 as suicide so that he escaped with his life, and that was the commonest result, he was treated as 'a low-class fellow', visited by none but bad characters, and, if a Mohammedan, never given the greeting 'Peace be with thee'. In Mirditë, always more rigorous than other districts, he was considered so anti-social that he was either killed or expelled in perpetuity by his kinsmen, or, according to another version, by the whole village along with his kinsmen.

606 628 The murder of certain relatives did not concern the family. Thus, if a man murdered a relative by marriage, such as his son-in-law, father-in-law, wife's brother, or sister's husband, the crime ranked as an ordinary murder and was expiated with a life or with blood money. The marriage tie was disregarded; the important point was that, unlike two brothers living under separate roofs, murderer and [581] victim belonged to different families. Such murders were very rare, for marriage relationships were always contracted to secure a valued friend, and no Albanian in his senses ever threw a friend lightly away. Again, if a man murdered his maternal uncle or his sister's son, murderer and victim belonged to different families, and blood money at least was payable for the crime. The contingency rarely arose, since a maternal uncle was regarded as a father and a sister's son as one's own child.

628 831 684 543 If a woman was taken in adultery, and her husband killed her and her paramour together—'kerchief and cap together'—he incurred no feud; their deaths went unavenged; it was a case of 'blood for blood', one equal to the other. To prove them guilty he sent for his wife's brother and her lover's brother to see them both lying dead; his message would run, 'I killed her because I caught her sinning'. The wife's brother would hand him a cartridge, saying, 'Here is a cartridge for my sister. Bravo for doing this'. The paramour's nearest relatives came to the house, drank coffee, and took away the corpse; the murderer accompanied them to their house, drank coffee, and so peace was established between them. If the paramour's brother was 'a gentleman', 'a man', he would give a cartridge to the husband, saying, 'I pardon your crime because my brother has sinned'. Even the father of the paramour might say to the murderer, 'A blessing on your rifle', and give him coffee as a sign that there was peace between them. In modern times the government accepted the evidence of the two bodies lying together and punished the husband with no more than two or three weeks' imprisonment.

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This custom of the wife's brother giving a cartridge to a husband who had murdered his erring wife explains the phrase often heard in Albania, 'a bride with a cartridge on her back'. In Martanesh it was an old, but long disused, custom to tie a cartridge on the back of a bride's veil as she left her father's house; this cartridge she was to give to her husband on her wedding night, and he would keep it against the day when he found her unfaithful and then kill her with it. This custom, if it existed elsewhere, has been forgotten, but the phrase is universally known.

In Lumë, if a husband suspected his wife of illicit love-making, he could not tell her people because he was being disgraced. He could only lie in wait till he caught the pair together and then kill them. Sometimes when he could not catch them together, he divorced her; in one instance a man did so on the insistence of his kinsmen, who thought themselves as well as the husband disgraced by the wife's notoriously loose living. He admitted that he could not manage her, divorced her for the sake of the family honour, and then, being too poor to pay the bride-price of another wife, lived alone. Divorcing the wife also ensured that the husband ran no risk of having a feud with either her brother of her lover's family. The Highlanders held similar views—the husband could not question his wife or tell her lover not to come to the house; he could again do nothing but lie in wait until he caught them. A few Highlanders held that the husband might inform her people of her misconduct; if they believed him, they would say, 'Kill her', or perhaps kill her themselves; in either case her death went unavenged. They preferred to kill such a wife for they were Catholics in the main, and as such could not remarry if they divorced their wife. As it was permissible in Martanesh to kill the guilty pair separately, an adulterous wife was never divorced but always killed. If a woman was divorced in Mat, her brother always asked what wrong she had done; if she had been an adulteress, he killed her, provided that the husband first killed the lover. In north-east Albania, if the lover was the husband's brother, divorce was thought the easiest way out. Only an exceptionally brutal man would kill his brother; the average man would prefer to say to his wife, 'You have committed this sin, and are divorced'.

If the husband killed only his wife, her brother avenged her death in most cases; without seeing his sister dead by her lover's side he was unwilling to believe in her guilt and apt to think the husband

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had killed her out of ill-will. After her brother had killed a male from his house, the husband would kill both her brother and her lover; then peace would be made between all three families. In Martanesh and Lumë if the husband did not kill the lover as well, the wife's brother, when threatening vengeance, would say, 'You killed the bitch; why didn't you kill the dog also?'

Sometimes a husband had not the courage or the heart to kill his wife; then perhaps his people killed her. Or perhaps he sent word to her father that he had found her sinning and asked him to kill her. But the father generally replied to such husbands, 'Kill her yourself, because I gave her to you to look after'. If the wife suspected this interchange of messages, she might run away to her father. In that case her husband sent him word saying, 'Either kill that bitch or see me destroy you root and branch'. The father then either killed her or sent her to her husband to kill. If the father protected the wife, a blood feud began between him and the husband, for the latter could not bear the world to think that he had swallowed such a disgrace.

In Martanesh, it should be noted, it was permissible, as it was not elsewhere, to kill the lover and the wife separately, if they could not be found together. This seems to have been the case in Dibër also. About 1916 a man in Vleshjë (Dibër) found his wife unfaithful and killed the lover. The wife ran away, but the husband caught her, poured paraffin on her, and burned her alive, yet seems to have escaped her brother's vengeance.

If the outraged husband killed only the lover, then he had to fear vengeance from the lover's family. In Lumë on the principle that 'vengeance is not abandoned because of guilt', vengeance was sometimes taken by a 'bad' brother for a man killed in adultery. He might kill the husband, forgive him, or demand blood money.

A gruesome story of collective punishment of a guilty pair comes from Martanesh. About 1912 a young man was caught with a young wife. The 'circle' of the young man took him and the 'circle' of the wife took her out to an appointed spot where they stood them up together. The youth's uncle shot him dead, and the girl's brother shot her, while the drums beat and the other men danced. The honour of the two families being thus cleared, they buried the two close together, but in separate graves, at cross-roads; no hoxha was present to commit them to the grave, nor were they washed and changed. In the neighbouring Zdrâjshë also a guilty

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couple were buried in any sort of hole, but in separate graves without a hoxha or being washed on boards and changed. In Lumë other customs prevailed. Both were buried in the cemetery in the ordinary way, unless they had been caught outside in some wood or thicket, in which case they were buried where they were killed.

Public opinion is growing against such double murders. It was too often the custom to give young girls to old men, with the inevitable result that the young wives were apt to fall in love with men more of their own age and had therefore to be killed by their fathers.

At Zdrâjshë, when a bride was found on marriage to be pregnant by another man, the unusually mild divorced her at once, but the general rule was to have her killed. The groom locked up the bride, sent for her father, and bade him find her lover. The father always asked for three or four days' respite during which he made inquiries. If the bride had indeed done wrong, an honest father sought out and killed the lover and then came to shoot his own daughter. Or perhaps he gave the bridegroom a cartridge and bade him shoot her with it. All the principles involved are well illustrated by a story from Lurë, still the most undisciplined of all Albanian tribes. About 1928 Metë Hoti, having taken a bride from Vehib Runa in Gur, found her within three months of bearing a child by another man. He sent her back to her father, bidding him find the lover and kill them both. The father would not kill his daughter and persisted in his refusal in spite of Metë's threats to kill the whole family if he did not do so. The father's kinsmen supported Metë, and when he came one night and killed the father, mother, daughter and infant and four other people in the house, they refused to avenge these deaths because the father had transgressed against the unwritten law. For the same reason the government merely imprisoned Metë for a few months.

A woman might be killed for various reasons by a man in her husband's or her father's family. For example, her husband or his representative had leave to kill her for heinous crimes like adultery, incorrigible pilfering, or murdering one of his relatives, but if they killed her for any other reason, her father killed one of them. Two principles were involved: one, that a man bought only the services of his wife and not her life; the other, that a woman retained till her dying day her right to protection by her father's family. Her son by the murderer could not avenge her, because killing his

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682 562 628 596 [607] father, his only means of doing so, was forbidden. Her son by another husband, belonging as he did to another family, was free to avenge her. If a woman's son killed her for any but the above heinous crimes, her husband could not avenge her, since to do so he must kill his son. In Mirditë her brother could kill her son or other male in his family, but elsewhere it was held that her brother was as helpless as her husband because her son was a nearer relative and her nearest relative having killed her, her blood must be lost. If she was married for the second time and was killed by the son of her former marriage, her husband could kill his stepson, but as before, her brother's hands were tied, except in Mirditë, by the law of nearest relative.

When a man killed his brother's wife for any other reason than those stated above, her husband took no action if he and the murderer had not separated; the murder was a family affair. Her brother, however, killed one of them. If the two brothers had separated, the murderer had to pay blood money to her husband. If the husband did not exact it within a year, her brother killed either the murderer or her husband. Her husband never killed his brother: 'I'd never kill my brother for the sake of my wife', was a common saying.

When a woman was killed by her father or brother, her blood was always lost by the rule of nearest relative. If she was married, her husband did not, in most districts, continue friendly relations with the murderer, but in some, such as Krasniqë, he asked him for another girl and on receiving her forgot his annoyance at the other's [584] murder. The same was true if the murdered woman was only betrothed, for a betrothed girl 'is counted the man's wife'. When a woman was killed by some other man in her own family, by her uncle or her nephew for instance, by the rule of nearest relative her [593] blood was lost if she was neither married nor betrothed. If she was either and was not killed for a heinous crime, her husband felt he had been disgraced and avenged her by killing a male in her family.

When murders were committed by women, the situation was complicated by the fact that women belonged to two families, their husband's and their father's.

[672] If a woman murdered her husband, both his family and her father's were involved. The important factor was her motive, which was usually love for another man who had probably bought the necessary rat poison in the bazaar. If her lover was her

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

husband's brother, she married him and her husband's blood was lost exactly as if he had died by his brother's hand. If her lover was an outsider, her husband's brother killed her. He had the right to do so, woman though she was, for a question of honour was involved, and for questions of honour women might lawfully be put to death. Her son by the dead man could not kill the murderess because matricide is not allowable. Her husband's son by another wife was under no such inhibition, for he was only her stepson and therefore no relative. If her father's family believed in her adulterous motive, they sent a cartridge to her husband's brother, thereby signifying that they gave him leave to kill her and would not avenge her death. If they did not believe in the alleged motive, they avenged her by killing a man in her husband's family and an unusually bitter feud resulted.

Sometimes her husband's brother was too high-spirited or too angry to rest content with killing the murderess and killed one of her male relatives as well; he would plead that a woman's blood could never equal a man's and that her male relatives were responsible for her misdeeds. Sometimes a murderess escaped alive to her father's house. In that case she was held to have escaped from the suzerainty of her husband's family and became a stranger; as a stranger she must expiate her crime, but her sex shielded her personally and threw the onus of expiation on her male relatives—'Women don't have blood feuds'. Her husband's brother was therefore bound to kill one of her relatives. To avoid losing a male for his daughter's crime her father sometimes killed her himself, a desperate act that always satisfied her husband's brother.

A woman rarely murdered any other man than her husband. If she did murder her brother, it was assumed that it had happened by accident as he was her surest protector. There are no records of the murder of father or paternal uncle by a woman.

The last category of murders within the family includes the very rare cases in which a woman murdered a woman in her husband's or her father's family. If she murdered her mother or her daughter, both most unlikely contingencies if she were sane, the victim's blood was lost by law of nearest relative. In all other cases the result depended on whether her victim was single or married. Thus the murder of her unmarried sister, paternal aunt, brother's daughter, counted as a suicide and the victim's blood was lost. If she murdered her husband's sister, the victim's blood was again

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Again, a woman from Tërbaç, near Elbasan, hearing that her son
562 had been killed at a third person's instigation, took his revolver and
*628 killed the instigator. Unfortunately for her, the date was about
[682] 1923 when a modern government was already functioning; she was arrested and tried for murder, but in view of the circumstances she was condemned to no more than a year and a half's imprisonment. The public were astonished to find that the government had punished a woman on much the same terms as a man.

[593] Assuming that a woman could steel herself to murder anyone, it is natural to find her avenging her father, son or brother. Given primitive Albanian ideas about the proprieties between husband and wife, and the feeling that the wife remained a member of her father's household, it is somewhat surprising to find one avenging her husband. A woman of western Mat went one day to the bazaar and there saw the man who had murdered her husband. In spite of the press of people she drew a revolver and shot him dead; as she had come provided with the weapon, there is little doubt that she did not act on the spur of the moment. About 1883 Fatime Almetaj, a woman born in Kostejë near Martanesh and married in Përvall, was busy baking one day while her husband talked to a neighbour. On hearing a gunshot she rushed out to find her husband already dead and the neighbour running away. She ran inside, seized her husband's rifle and again rushed out. The neighbour had already reached his own doorstep when she fired. As soon as she saw him fall dead, she re-entered her house and resumed her baking; her husband had been avenged, there were others in the family to feed, and the dough was getting cold. In neither of these cases do records show whose life the enemy took in return for the one she had taken; by right it should have been one of the males in her husband's family.

593 In certain cases both the avenger and the expiator of a murder
*628 might be drawn from outside the household directly concerned.
[826] For instance, if a murderer and his brother were separated, the avenger might kill the latter while his blood was boiling, a period estimated in Dibër at one hour and in Mirditë and elsewhere at twenty-four hours. When his blood had cooled he must not molest the separated brother, and might be required to find a guarantor that he would not do so. Conversely, a man separated from his murdered brother might avenge him during the regulation period, but not afterwards.

613 Sometimes the rule of 'boiling blood' was extended to larger
*628

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CHAPTER XXIII

BLOOD FEUD

II. COURSE OF THE FEUD

The fatal shot fired, a murderer's life was in such instant danger from the avenger that it behoved him to fly with all speed. But often his 'blood seized him' so that 'his legs gave way under him' and he was rooted to the spot from shock. Custom therefore prescribed in Shkodër, Lumë and Godolesh that he must drop on the ground a cartridge or an article of clothing such as his fez, sash, or handkerchief; in Elbasan, Shpat and Çermenikë that he must lick the muzzle of his rifle or pistol; alternatively, in Elbasan that he must inhale the smoke of the gunpowder or let his comrades slap his face; in Labinot that he must hold the cartridge case in his mouth and bite his little finger and suck the blood, and in Mat that he must eat a little gunpowder. That done successfully, 'his blood was set free', 'the seizure passed', and he was able to run away.

When an article of clothing was left behind, it served to identify the murderer; where none was left, word had to be sent to the victim's family. It was everywhere 'held dishonourable' to kill and not to tell. It was also thought unfair for reasons that varied with the locality. In Mirditë the victim's relatives might go mad if they did not know the identity of the murderer; in north Albania the murderer's kinsmen would not know to hide while the avenger's blood was boiling; in south Albania the crime might be laid at the wrong door. Besides, the normal murder was matter for boasting; committed only to avenge some wrong or insult, it showed that the murderer was spirited enough to resent ill-treatment.

Latterly, when the government was attempting to repress murder, the murderer, certain of arrest, left no token and did not inform the relatives. The community, however, was always on the watch and from its members' observation of those who came from the direction of the shots and from their knowledge of the whereabouts of the victim's enemies at the time, the murderer's identity was established—at all events to the satisfaction of the community.

In the early days of a feud the father or brother of the victim might in his furious rage kill the murderer and shoot a second time

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at the lifeless corpse. When the feud was older, it was not permitted to kill and shoot again. A murderer seldom looked at the corpse, a fact which gave men quick-witted enough to feign death a chance to escape. In some places, such as Mirditë, the murderer was expected to turn the dead man in the right direction for one of his religion—with his head towards the east if Christian, whether Catholic or Orthodox, towards Mecca if Mohammedan, and to rest his rifle against his head; if unable to touch him, he had to tell the first man he met to attend to those matters. In Shpat the murderer left the cartridge-case by his victim, allegedly not to 'set his own blood free', as in Lumë, but to avoid carrying away a thing that was unlucky because stained with blood and sin. In Mat and the Malësi e Madhe, the murderer's own life being in grave danger from the avenger, it was thought 'brave' to tread in the victim's blood as a last insult.

A murderer must not rob his victim; he had killed him only to defend his honour and not to enrich himself. As was popularly said, 'low-class fellows' take a man's rifle, watch, money or clothes; 'good-class men' take only vengeance. In some places sanctions reinforced public disapproval of the robber-murderer. In Lumë he saddled himself with one and a half feuds, i.e. the need to pay for the murder with blood money as well as a life; in Mirditë, where he was expected to lay the dead man's rifle against his head, he incurred two feuds. Certain exceptions to the rule were admitted. A murderer could everywhere, except in Mirditë, take his victim's rifle to prove that he 'had really trodden in his blood', but he must afterwards send the weapon to the family. On similar terms he might take the dead man's watch also. When the murderer was a hired assassin, he commonly took a token from his victim, usually his cap, to prove to his paymaster that he had earned his money. When a man's enemy lived at a distance, he might again take his cap to prove to his own friends and neighbours that he had killed him. Robbery of the corpse by a third person was not to be feared; since everybody within range, the dead man's relatives included, rushed up at the sound of the shot, there was publicity enough to prevent such an outrage. As for the supernatural dangers thought to beset the bodies of persons dead in ordinary circumstances, it was well known that Satan feared a rifle too much to approach the body of the murdered man.

When describing how Albanian men used to shave their heads

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When describing how Albanian men used to shave their heads
302 except for a tuft on the crown, as a few old men and young boys
*628 still do, the Highlanders of north Albania asserted that a murderer
862 had licence to cut off his victim's head. The tuft, they said, was left so that an enemy might conveniently carry the head when he cut it off; failing such a handle, he would thrust his finger into the dead man's mouth, an intolerable insult. The veracity of this story appears doubtful, since although the Highlanders, Slavs, and Turks all cut off heads, Albanians as far inland as Elbasan shaved their head save for the tuft on the crown, and it is unlikely that all anticipated murder by Slavs or Turks. Whatever the purpose, the tuft was not confined to Albanians, but was seen in 1926 worn by small boys in the Turkish villages in south Serbia where the population was of mixed Turkish and Bulgarian stock.

*628 A murderer usually announced his crime to the victim's family
766 by a crude message to fetch him from such-and-such a place and
682 bury him. He was always expected to surrender the body, but if a feud was unusually bitter, the murderer might forbid the body to be buried in the cemetery in the ordinary way. If he was backed by enough men to make his ban effective, the body was buried in the secrecy of night. Sometimes he forbade it to be taken even at night to the cemetery; in that event it had to be buried elsewhere. A story comes from Sopot in Dibër. About 1893 Abas Kamber's enemy killed one of his men and forbade him to carry the body to the cemetery. Abas, strong though he was, could do nothing but bury it in the courtyard of his house. Just before it was lowered into the grave, the enemy repented and sent him leave to bury it in the cemetery. To show that he was not always prepared to do the enemy's bidding, Abas sent back the message that he would not dig up the body again and concluded that burial as it had begun.

Hiding the body was universally deprecated. When men stole a grazing cow, it was said they killed it, roasted and ate what they could of the meat and hid the remainder. But it was not to eat a man's flesh that they killed him and they must not conceal his body like the cow's. If they did, the feud was doubly embittered.

*628 By rights a man was never buried where he was killed. Even if
764 the spot were two days distant, or if, like Kol Mali's victim, he had
682 lain three weeks undiscovered, he was carried home for burial. 'He had been theirs', his relatives said, and neither distance nor a natural repugnance could prevent them from doing their duty by him. In the northern mountains, in Mirditë and in Kurbin, a heap

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of stones was made where he was killed; on this every passer-by was expected to throw a green leaf, a blade of grass or a pebble while expressing a wish for the repose of his soul. In Shkrel, according to one informant, a stone was stuck at the head and another at the foot, as though the place was a real grave, but a *muranë* was not made. Any relatives who wished to mourn him went to his grave, not to the place where he had been killed. Exceptionally, what seem real graves may be seen near the meadows of Tërnovë above Zerqan; ten or twelve in number, each roughly outlined with stones, they are known as 'the murdered graves' and are said to contain the bodies of men who fell there in a long-past battle between the villages of Tërnovë and Sopot. Again exceptionally, when Muharrem Bajraktar of Lumë fled in 1934 to Yugoslavia, the Spahi family, his hereditary enemies, killed one of his servants. Muharrem said this man was not to be buried in Bicaj, his native village, but by the wayside where he fell, so that when he himself returned from exile he should see the grave and be reminded to take vengeance.

The ideal was to take vengeance as soon as possible. In Kurbin the piled stones served to make the dead man's kinsmen hasten to take vengeance, reminding them of his death and so 'heating their blood'. For the same purpose the Catholics of the north frequently buried the man in his blood-stained clothes; the Mohammedans, however, obedient to the dictum that all who profess their faith must go to the grave in a clean winding sheet, discarded this custom. A still stranger reminder of the need to take vengeance, a little bottle filled with the dead man's blood, was used all over north Albania and in Kosovë. This bottle the relatives looked at day and night. As soon as the blood 'boiled', i.e. fermented, they seized their rifles, cocked their skull-caps over one ear to show their determination, and rushed forth to kill the murderer. If the blood did not 'boil', they might accept a money indemnity instead of taking a life. In western Mat they dipped a rag in the dead man's blood; when it looked stained and brown, they knew the hour to avenge him had struck. None of these reminders was found as far south as Çermenikë and Shpat.

Public opinion also spurred the avenger on. A man slow to kill his enemy was thought 'disgraced' and was described as 'low-class' and 'bad'. Among the Highlanders he risked finding that other men had contemptuously come to sleep with his wife, his

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a man willing to burn women and children to death and to harm property; in Shpat property was so sacrosanct that one must not touch even 'the leaf of the leek' belonging to one's enemy.

When the community decided to burn out a man whom they had sentenced to banishment for committing a heinous murder, their numbers and their power to exclude him completely from the tribal life made it impossible for him to resist. It was otherwise with the victim's kin. For want of power to exclude the murderer from more than their own section of tribal life they could not make him submit tamely, and in their attempts to use force they were often baffled by the fire-resisting principles on which most mountain houses were built. With the walls of stone, only the roof and the outer door were inflammable, and with no matches available these could only be set alight by blazing brands, probably of pitch pine, brought from another house. If the murderer was a rich man, he lived in a house surrounded by a courtyard wide enough to keep incendiaries at a safe distance from both roof and doorway; one or two towers in the walls of the courtyard sufficiently protected its gateway. If the murderer was poor, his house had no courtyard. But like the rich man's, it consisted of two or more storeys, the stable on the ground floor and the living-rooms above. The roof was, therefore, too high for the avenger to throw firebrands among the rafters. The door was surmounted by machicoulis through which the defenders could shoot or pour boiling water, and loopholes at the corners of the living-rooms commanded the approaches; in cases of bitter feud the door was sometimes covered outside with tin plates. Windows in a stable being thought unnecessary, the door was the only break in the solid walls of the ground floor. Sometimes avengers who were weak in guns hired men to fire the murderer's house. These hirelings came especially from Mirditë, for Mirdites were notoriously brave enough to face the risk entailed and poor enough to think only of the money offered; this amounted to some thirty napoleons (£40 in the 1930's) per man.

When an avenger burned down the murderer's house in hot blood, his motive was to do the murderer as much damage as possible. When he burned it down in cold blood, his motive was to drive the murderer into the open to be shot at. A murderer not infrequently shut himself up in his house during the daytime and stirred outside only at night, so remaining beyond the avenger's reach. When his house was set on fire, he knew that if he remained

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inside the blazing building, his death was certain, and that if he came out, he had a sporting chance of escaping the avenger's bullets. He had, therefore, no choice but to leave the burning house. In the same way when gendarmes surrounded a house in which a desperate criminal was hidden, he preferred to run the gauntlet of their fire rather than wait tamely to be seized and led off perhaps to death as a menace to society. This was particularly true of Turkish times, when dangerous criminals were generally shot out of hand when arrested.

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CHAPTER XXIV

BLOOD FEUD

III. EXPIATOR AND EXPIATION

In most cases of murder one life only was forfeit to the avenger; 554 682●
'one for one' was the formula. This was irrespective of the social standing or the character of the victim. Hence the murder of a standard-bearer (bajraktar) was neither better nor worse than the murder of the least of clansmen, and that of a priest was neither better nor worse than that of a layman.

The formula of 'one for one' was disregarded only in a few cases. 554 628* 682
In Lumë, a district which prided itself on its 'spirit', 'two for one' was the rule when a man killed his social superior; nothing less would content his victim's injured pride. In most districts a man who suffered the more grievous forms of bereavement, losing his wife, guest or child at a murderer's hands, took double or even triple vengeance. In the Malësi e Madhe the victim's family, if 'strong' with all the pride that the epithet denotes, might kill two of the murderer's relatives if they found them together, though not otherwise. Spiro Toli of Shënjon, near Elbasan, a man as proud as any Lumjan of his 'spirit', felt so degraded when his brother was killed by a hireling at another's bidding, and that hireling a gipsy, that he killed both the instigator and the hireling. Pride, of course, was the ruling motive in every blood feud. By his successful crime the murderer had proved himself the better man, and the victim could not endure this inferiority and was bound to strike back in kind.

The person of the expiator seems to have undergone an historical development. Long ago, 'blood feuds went by the finger', that is to say, only the actual murderer, the man whose finger had pulled the trigger, was made to expiate his crime. Father Gjeçov aptly compares Deuteronomy xxiv, 16. In modern times the merging of the individual in his family was stressed as in the case of the avenger, and expiation might be made by any male who lived in the same house as the murderer and was in either the actual or classificatory sense his 'father', 'brother' or 'son'. 628* 672

This rule was subject to several important reservations. The

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If expiation took the form of blood money, no distinction was made for age; the payment for a worn-out man of eighty or an able-bodied man of thirty was the same as for a boy of five or an infant of a few weeks. As when a life was taken for a life, no distinction was made for social standing or moral character; the payment for a bajraktar was the same as for a labourer. A female's 'blood', however, cost only half a male's. In the early days when these payments were determined, money was so distributed that the rich had a great deal, while the poor, who formed the bulk of the population, were all but penniless. The fear of having to pay a large sum in blood money was therefore a considerable deterrent against murder.

Blood money was accepted only in Mirditë and north Albania. Elsewhere it was scorned. 'Blood money and bride-price do you no good', said Lumë. 'We don't sell blood for money; that is a low thing to do', said Çermenikë, a boast repeated in Dibër in even stronger terms. In Labinot and Godolesh blood could not be washed away with money on the north Albanian system. In all these districts the formula after a murder was 'either pardon or kill'.

It must be admitted that neither lived up to its pretensions, the north being more truculent and the other districts less truculent than they claimed. In the Malësi e Madhe, for instance, only weak, low-class families would accept blood money; if other families did so, they were held to have 'disgraced themselves'. Indeed, a bajraktar's household, a voivode's or a 'leading family' should seek for fifty years, if need be, to kill the murderer of one of their men. On the other hand, a Çermenikë man sometimes accepted blood money, but if he so demeaned himself, his aim was to ruin his enemy and he fixed the price accordingly. In Dibër no man would accept blood money for a male relative unless it was accompanied by the present of a rifle as a conventional sign that he was still free to kill the murderer if he could. In Lumë a subtle use was sometimes made of blood money. Normally, when a life had been paid for a life, peace was made. But when an inferior killed his superior, the latter's relative would not make peace till he had killed two of the other's men. At the peace-making the first was paired with the original victim and for the second the superior's relative paid blood money.

Given the stigma attached to blood money, it was seldom paid except in lighter cases. After an accidental murder, for instance,

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672 honour was in most places satisfied by a money payment. For
682 example, two men of Krujë were examining a revolver together,
*628 not knowing it was loaded, when it went off suddenly and killed one of them. The other was held guilty of murder, but in view of the circumstances escaped with a payment of twenty-five napoleons, the conventional six purses. If an animal killed somebody, the death was considered accidental and the payment of blood money sufficed. In Breg i Matit the grazing was good enough to carry a considerable head of cattle which wandered freely through the swamps, with consequent risk to the public from the bulls. If a man was killed by a bull which its owner knew to be dangerous, the latter had to pay blood money, failing which he was liable to be shot. If he did not know the animal's character, he was excused the payment of blood money but had to surrender the bull to its victim's relatives as a minor atonement.

Accidental though a murder might be, the murderer could not rely on saving his life with blood money. Especially while the crime was fresh, he was well advised to lie low until responsible men had weighed the case and confirmed its accidental character. After paying the money he was not absolutely safe unless he found a guarantor.

In Mirditë when blood money was accepted the murderer had also to pay fines of 100 rams and one ox to the tribe and of 500 grosh (piastres, i.e. one purse) to the family of the Hereditary Captain of Mirditë; the animals were eaten at a public banquet by the tribe. These fines were imposed on the murderer for disturbing the public peace. In cases of accidental murder, however, no fine was payable; the formula ran: 'The rifle which kills accidentally entails blood (really blood money) for blood, but not a fine or pursuit.'

627 The payment of blood money also solved the difficulties in
682 certain cases of murder within the family where atonement had to
*628 be made, yet could not properly be exacted in the form of a life for a life. For instance, if two brothers in Shkrel had separate households, when one killed the other's wife for any but a question of honour, the victim's husband could not kill his own brother for
[683] her sake but had the right to exact blood money; after all, he had been unjustly deprived of his wife's services and must buy another wife. If a married woman in Shkrel were killed, again unreservedly, by some member of her husband's family, her son, if fifteen years

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of age or more, could not kill the murderer, his own relative, but exacted blood money. In Shalë another principle came into play. If the dead man's relatives did not succeed in killing the murderer within seven years, they accepted blood money. In places like Mirditë where a fine was exacted when blood money was accepted for a murder, no fine was payable in cases of wounding.

In Mirditë 'wounding went by the part'. If the wound was inflicted at the waist or upwards, even if the bullet only grazed the man's head, the aggressor had to pay three purses; if the wound was below the waist, he need pay no more than 750 grosh, i.e. 1½ purses. In Lumë if a wound left a man lame for life, the wound-money was assessed at seventeen napoleons, roughly four purses, or two-thirds of a man's value; if not, five napoleons were enough. In Krasniqë if a man was so wounded in the private parts that he could no longer be a husband, his assailant had to pay him twelve purses, double the price of a dead man. The doctor's expenses had always to be paid by the aggressor; in Martanesh these were customarily reckoned at 200–300 grosh (piastres), and if they were paid, wound money was sometimes not asked. In Mirditë the doctor's expenses were not fixed by custom but were due only when the victim's relatives regulated the matter, not when the headmen did so. In Çermenikë if a man wounded his enemy, that is to say, the man with whom he had a feud, he did not pay the doctor's expenses; if he accidentally wounded a friend or a neutral, he did. This rule was maintained by King Zog's government. Once an American missionary of Korchë had taken a class of boys for a walk in the country when one fell down a precipice and was gravely injured; the government refused to allow the American to leave Albania until the boy, months afterwards, was restored to health and the American had paid the doctor's bills.

As with a death, accident was no excuse. For example, in 1932 two men from Zdrâjshë in Çermenikë were cutting down a tree by the wayside, when a man from Neshtë, on his way to fetch maize, rode by. The woodcutters called to him to stop, but he paid no heed. As he passed, the tree fell, pinning him to the ground. He was carried home, where he lingered for three months and then died. After his death the woodcutters had to pay his family three purses for wounding him. Wounds inflicted by animals, though considered accidental, had also to be paid for. Those inflicted by dogs fell into a special category. In Shkrel the elders were summoned to

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672 assess the doctor's expenses, which were then paid by the animal's
682 owner.

*628 A murderer might also expiate his crime, voluntarily or involun-
682 tarily, by exile. If voluntarily, he ran away fearing for his life, but only a weak man who was personally a coward, or had few adult males in his family to keep the enemy at bay, consented to show the white feather.

Voluntary exile might be temporary or permanent. In the former case the murderer did not give up the idea of eventually making his peace with the victim's family and securing their permission to return home.

A normal exile's hope of ending his feud lay in several directions. The victim's family might become so weakened by other blood feuds that they knew themselves to be no longer formidable and sank their pride enough to accept blood money in full payment. They might even become poor enough to be tempted by the offer of money. Or they might consider an absence of ten or twenty years' duration as part atonement and for the rest content themselves with blood money. They might even, on the intervention of friends, forgive the crime outright. In Çermenikë, in the days when 'murder went by the finger' and a murderer's relatives could not make vicarious atonement for his crime, he commonly retired to another district for four or five years, after which the victim's family probably gave a conditional assent to his return. If he risked returning, he kept discreetly out of the way while mutual friends interceded for him. Occasionally they secured his pardon; more often he had to withdraw for a further period of four or five years. During this second absence the enemy's heart almost certainly softened enough to make his next return definite.

Voluntary exile might become permanent for several reasons. It might, for instance, be so protracted that the murderer grew used to his new surroundings and, ceasing to hanker for his old home, settled down where he was. Hysen Agë Jella, of Tirana, having killed Ramiz Bey Toptan, also of Tirana, fled to Bulqizë and took refuge with the noted brigand, Sul Hupi. Under the latter's protection and by reason of his own wealth and prestige, he acquired such a position in Bulqizë that when eventually the feud with the Toptans was closed, he did not return to Tirana, preferring to remain in Bulqizë.

Again, an exiled murderer sometimes prospered so much that

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he found it to his interest to stay away permanently. If he found the climate or the soil of his new home kindlier, he might sell his paternal holding through an intermediary and with the proceeds buy land in his new home. Before he ran away, he had probably sent his wife to her parents, who no doubt lived in another village. There he visited her at intervals until he was installed in his new property, when he sent for her and their children, if any. A voluntary exile, it may be added, was content to leave his wife in his brother's charge; a compulsory exile took her with him. Good examples of voluntary exiles turned permanent from motives of advantage are provided by the many Bojdan families from Bicaj in Lumë, who in recent centuries involved themselves in blood feuds and fled to Kosovë. Their feuds were compounded in every instance, but the greater fertility in Kosovë was not to be resisted. To-day their descendants live scattered as far apart as Kaçanik and Blacë, near Skopljë. They still preserve memories of their kinship one with another and with Bicaj; in fact, till the break-up of the Turkish empire in Europe after the Balkan wars interposed new frontiers between the Albanian lands, they made occasional pilgrimages to the homes of their ancestors in Bicaj.

Sometimes an exiled murderer set up a small business, selling cigarettes and cleaning shoes, and made money as he could never have done in his mountain village. Sometimes, too, he entered the service of a rich man and in return for his devotion was given a grant of land.

The emergence of a central government which punished murder tended to increase the number of permanent exiles and to make the strong as well as the weak run away. An Albanian would face boldly enough the vengeance of his victim's relatives, but he detested being imprisoned by the government. A man of Bashabun, near Elbasan, killed a neighbour years ago. Blood money was paid, and so far as his victim's family was concerned, he was free to return home. Unwilling, however, to serve the short term of imprisonment to which the government would condemn him, he remained in exile in Bosnia. A Milot murderer remained in exile after the payment of blood money had closed the feud, because he feared imprisonment by the government. In an accidental meeting with his victim's brother, both forgot the closing of the feud and shot at each other, the brother killing the murderer. Then only the taking of the oath with twenty-four men cleared him from the

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682 641 accusation of taking government money to kill the murderer after he had taken blood money from the family.

[167] The same fear of government action was at work in Kosovë, a province largely populated by Albanians but assigned to Yugoslavia after the Turkish empire broke up in 1912. A steady drift towards Albania proper went on among the Kosovars. Some were impelled by land hunger to go and take up the free land which the Albanian government had offered them; others came to evade Yugoslav justice. By contrast with the Albanian government, which did not yet punish severely homicide that was justifiable by tribal law, the Yugoslav government hanged most murderers. To avoid this ignominy, a Kosovar murderer preferred to emigrate, lock, stock and barrel, to Albania. Most interestingly, this emigration was the ebb of the tide that within recent centuries peopled Kosovë with Albanians.

[621] Sometimes a murderer did not run away of his own accord, but was forcibly expelled by the community. Although when murder was not punished by government, only the weak ran away voluntarily, the community expelled a strong man as readily as a weak [609] one. In tribal districts like Mirditë which contained several villages the murderer's village could not expel him without the other villages' consent and help. If the village resisted the expulsion, the tribe as a whole had the right to 'proclaim' the village or to call in other tribes to bring it to reason. In small tribes like Nikaj the murderer's kinsmen could expel him independently of the tribe. In non-tribal districts like Shpat, where each village was a self-contained unit, it needed to ask no one before expelling a murderer.

682 *628 674 A man sentenced to communal expulsion was always one whose crime struck at the roots of society as understood in the mountains. Perhaps he had violated the acknowledged sanctity of the 'pledged word' by killing his enemy during a public truce or even after making peace with him. Perhaps he had infringed the sacred laws of hospitality by killing his host or guest. Perhaps he threatened family solidarity by killing a cousin to get his land. Perhaps he had killed a man to steal his rifle and thereby as good as robbed him of his manhood, for a man without a rifle is as nothing, no better than a woman. Perhaps he had committed sacrilege by killing someone, possibly the priest himself, inside the territory of church or mosque, or by breaking into the church to steal.

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For any such anti-social murder no ordinary vengeance, no pardon was possible. The community assembled and passed judgement in the time-honoured formula that so-and-so 'is burned, roasted, cut down and expelled from the tribe'. Without loss of time—probably immediately after passing sentence—they burned the man's house, killed, roasted and ate his sheep, goats and cows, cut down his trees, and drove him into exile. They further required him to make public confession of his guilt by himself applying the burning brand to his house. In Mirditë and elsewhere he had at the same time to make himself a public scapegoat, saying as he lit the fire, 'On my head be the ill-luck of the village and the tribe'. If he and the other men in the house who were qualified to represent him refused to set the house alight, the head of his clan bade his next nearest relative do so. The fire once started, the whole village or tribe kept it going until its work was done, for it was essential that the whole community should take part in executing the communal sentence. But they could not touch the fire until the criminal had lighted it. In the same way, the murderer had to be the first to apply the axe to his trees and vines; if he jibbed, his nearest relative took his place and the work was completed by the whole community. If he had a vegetable garden it was destroyed in the same fashion. On the same day all his edible livestock was roasted and consumed by the community at a public banquet. This was by way of a fine. He himself, with his wife and children, was escorted to the tribal frontier to make sure that he was not killed on the way. At the frontier he was ordered never to return again. In Shpat he was literally drummed out of the village; the community hired gipsies to lead the way beating drums, and all the men sang to mark their joy at getting rid of a bad character.

The community destroyed the murderer's house, fruit trees and livestock not to punish him directly for his crime, but to make it impossible for him to defy the sentence of exile by remaining in his home. For the essential feature of their sentence was the condemnation to exile, the expulsion of an undesirable, of one whose act had dishonoured the whole tribe and must be repudiated by the whole tribe. Since robbery was not their motive, the murderer was free to take his money with him; in any case, it could not be seen, securely hidden as it was in a purse in his armpit.

Sometimes the expulsion was for ever, sometimes for three, five,

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682 *628 ten or twenty years, according to the crime. In Mirditë, presumably under church influence, the murderer of a priest was expelled for ever, and other anti-social criminals for five to fifteen years. In Martanesh the injured man might after an interval intercede with the local elders and secure a remission of part of the sentence; otherwise the murderer and his descendants must remain in exile. Several local traditions maintain that sentences of perpetual banishment were formerly much commoner. In Martanesh no such sentence has been pronounced for 200 years, and in Shpat none for 100 years. In Lurë any murderer used to be banished in perpetuity; witness the numerous families of Lurë origin who now live in Prizren, Tetovo, Reka and other places in Yugoslavia.

428 682 In Lurë when a man was sentenced to perpetual banishment, his nearest kinsmen, those who would have been his heirs in the event of his dying childless, divided up his land. His family was in fact reckoned as extinct so far as the tribe was concerned. In Mirditë also he was considered as dead to the tribe. Father Gjeçov gives two accounts of what happened there to his land. For ordinary expulsions it was left uncultivated and used for public grazing. [688] When a man was expelled for breaking into a church or for killing a priest, his land was bought by his nearest kinsmen and the money given to the church. In Shpat again the murderer's nearest kinsmen divided up his land; but there the elders valued it and the kinsmen paid the murderer the estimated sum before he was drummed out; if they could not raise the money, the village found it, subject to recovering it later from the kinsmen. On the other [423] hand, when a murderer was banished only for a term of years, his land everywhere remained uncultivated until his return, when he built a house and resumed cultivation. During his absence, his ownership of the land was uncontested, but he was not allowed to derive any profit from it. A voluntary exile was in a different position; he could empower a kinsman to work his land and throughout his absence to remit to him in his place of exile an agreed proportion of the profits.

682 *638 584 When a man was expelled for good, the community signalled the same by tearing up the four corner-stones of the foundations of his house after they had burned it down. When his banishment was temporary, the corner-stones were left in place to await his return. Again when his banishment was perpetual, there could be no more giving or taking in marriage for him in the village; any engagements

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subsisting at the time of his expulsion were voided by that fact. When his banishment was temporary, his marriage engagements remained binding.

Even in cases of temporary banishment the murderer's separation from his tribe was thoroughgoing. For the specified period 'he could not light a cigarette in a single house of the tribe', as the men of Lurë put it. Nor could he, or his, return to borrow honey, that most important commodity where sugar is scarce. In Mirditë a tribesman who admitted him to his house for any of the above purposes was publicly 'burned, roasted and expelled' for breaking tribal discipline.

The banished murderer's obligation to take root whether he wished it or not in some alien spot is another of the factors which produced the many colonies of diverse origin in Albanian lands. The exiles, home-sick like exiles the world over, often gave the name of their ancestral village to their new settlement.

If the murderer did not choose to go into exile of his own accord, he was condemned by the avenger to virtual imprisonment in his house. Sometimes he shut himself up voluntarily; more often, especially in north Albania, he was peremptorily ordered to do so by the avenger. For the period of his 'imprisonment' fear that the avenger was lurking near prevented him from stirring outside during the daytime and restricted his movements to the night hours. If he left home, he had by dawn to find shelter under a friend's roof and he could not continue his travels until the next night fell. These disabilities were his so long as he eluded the avenger, and he might do so for years, as in the case of a native of Sheshaj who had been shut up by his enemy for twenty-five years. At Belsh in Dumre, as a result of this confinement, two men who had been shut up for twelve years were 'waxen and yellow as the dead'. They longed to walk in the sunlight and were bored indoors where they could do nothing to pass the time except strip maize and knit (most curiously, knitting is one of the staple occupations of the men, but not the women, in Dumre). But they could not help themselves, since it was certain death to step outside during the daytime.

Just as the murderer's house could not be burned down in case women and children perished in the conflagration, so his 'imprisonment' could not be allowed to stop the work of the family in case women and children died of starvation. There were several

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provisions for carrying on the work. The first was the law that women, children, servants and domestic animals must not be shut up. So in comparative security the able-bodied women, on whom fell the heaviest burden, tilled the fields, went to market, ground corn at the mill and fetched water from the spring and firewood from the forest. The boys and aged women herded the cows, sheep and goats. The servants took part in any or all of these tasks, but few households could afford the luxury of servants.

A social phenomenon alleged to be a by-product of this immunity of women and children is interesting. To-day a good proportion of the agricultural work of Albania is done by women, while the men idle; a generation ago the bulk of it was so done. The men of to-day excuse their idling by saying it is a habit formed when they or their fathers were shut up by blood feuds; whatever their natural inclination to work, they were then driven perforce into allowing their women to toil alone to feed the family. This plea may or may not be valid; as the frequency of blood feuds decreased, the men's industry increased.

In bad feuds the immunity of women and children was sometimes denied. Even to-day the women of Murat Kaloshi's household cannot stir outside his compound except under heavy escort; failing that, they would be shot without pity by his enemies. The numerous children in his household are growing up illiterate four minutes' walk from an excellent school; if they attended this school, a battalion of gendarmes or men-at-arms could hardly ensure their safety. Another bad case is to be found at Milot, where even the boys in the cradle in Gjin Bardhoku's house have to share the men's imprisonment. In Çermenikë the immunity of women was never absolute; there was always a danger that the avenger might lose his temper and kill them. Within living memory two women in Fenars, one of the more accessible villages in Çermenikë, once tried to plough and were discovered by the avenger. On their declining to desist as he bade them, he fired at them with unexpectedly fortunate results. He wounded both but only severely enough to make them fall to the ground while letting go the oxen. They made a speedy recovery and, each wound counting as half a 'blood', the avenger was considered to have taken vengeance. The two parties were then 'measure for measure' and made peace.

Again with a view to feeding the murderer's family an avenger

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sometimes yielded to a friend's pleadings and allowed one or more men in the 'imprisoned' man's household to come out and work. The same friend went security to the murderer for the lives of the man or men released. In Shpat, if one of the men imprisoned died, the avenger sent word that one of those hitherto free must shut himself up in his stead. It is not known whether this was the rule in other districts or not.

In earlier times, according to vague traditions still current in Çermenikë and Martanesh, only the actual murderer was shut up and the other men in his household were free to work and to travel. This tradition is supported by the history of the Balli family in the village of Fenars. Seven generations ago, i.e. about 175 years ago, Sali Balli of Martanesh killed a friend and was shut up by the avenger, while his four brothers went free. He grew so bored in his 'prison' that he ran away from Martanesh and settled in Fënars, where he founded a family now headed by Isuf Balli. The descendants of his brothers still live in the old home in Martanesh.

When an avenger felt too bitter to release indefinitely one or more men in the imprisoned murderer's household, he was sometimes induced to make a minor concession. When all the men were shut up, women were able to hoe, to carry manure, to sow seed, to reap wheat and to harvest maize successfully, but they could not plough—so it was believed in north, though not in south, Albania, where the wives of many emigrants must to this day plough if they and their children are to eat. There was therefore danger in north Albania that if all the men were shut up during the ploughing season, the family would, in spite of the women's efforts, starve. This led to a ticket-of-leave system, called *besë*, literally 'pledged word', 'truce', or *kuvend*, 'agreement'. At the instance of a mutual friend the avenger granted the murderer leave for one or more men in his household to come out and work his land for a stipulated period, varying from three to twelve months. As so often, the forces of public opinion reinforced the friend's urgings; indeed, it was said of an avenger who refused his enemy leave to plough that he 'was not to be entered in the register', i.e. could not be classed as a man, and of one who did not that he was both brave and honourable.

In Dukagjin the kanùn of murder was so stern that neither the murderer nor his womenfolk were allowed to work his land if the avenger was strong. Indeed, the avenger often worked it and carried home the produce, leaving the murderer's household

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682 dependent on charity. At best the elders fixed a sum to be paid by
*628 the murderer for leave to work his own land: the money paid, the avenger gave his word not to molest him; or a 'strong' friend guaranteed his safety as he tilled his fields. This arrangement continued until he was killed elsewhere or the avenger consented to make peace.

*628 Various devices were tried to outwit an avenger too venomous
[562] to make the smallest concession to his 'imprisoned' enemy. The
[427] commonest was for the murderer to let his land to a neutral on the usual Albanian terms of 'halves'. Once some men of Lurë, trusting to the prevailing immunity of women from attack, dressed in their wives' clothes and went out to work. They were soon discovered and compelled to return home. Frequently a woman was made to work alongside the men, the assumption being that from fear of accidentally hitting the women and so disgracing himself the avenger would not fire on the party. The man who murdered the brother of Kodhel Dede of Nezhar in Shpat belonged to a large family, the members of which went to work with a woman between every two men. Kodhel thus found it impossible to kill one of them and after a long period of years made peace. Sometimes a man's wife kept watch while he worked; if she signalled the enemy's approach, he seized his rifle and prepared to defend himself. During Kodhel Dede's feud with the Trepsanishti family he found himself long baulked by the vigilance of his enemy's wife.

[796] At last his chance came on the eve of 15 August. The wife had her
[782] mind set on making *melata* (sacrificial foods) for distribution on the festival, and, forgetting her husband who was at work on the threshing floor, she went home to make them. Kodhel, who had crept up through a maize field, shot her husband as soon as her back was turned. In the hilly landscape of Fulqet in west Mat a different sort of watch was kept. The 'imprisoned' men, aided by friends, dug a hole on top of a hill commanding a wide view. One of their best shots, rifle in hand, settled down in this hole ready to snipe the avenger if he tried to kill any of the men at work.

*628 Work in the fields apart, an 'imprisoned' murderer might for
572 short periods leave his house under escort of a friend. This friend
682 had to be 'strong', otherwise the murderer might be killed by his enemy, a lasting disgrace to the man whose protégé he was for the time being. Sometimes murderer and avenger had a common friend who took the former out; in that case the friend ran less risk

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of losing his protégé, but even so he had to be fairly 'strong'. In Mat such a friend might take the murderer out three times with impunity. Afterwards he was sure to receive a message from the avenger which ran, 'Don't stir out again. Stay indoors. It was for your sake that I didn't fire.'

In the majority of cases the murderer neither ran away nor was shut up, but went about his normal business, taking certain precautions. An Albanian never despised his enemy; the strongest man will say, 'I am stronger than he is, but a rifle doesn't care for bravery, a rifle kills'. He remembers also that an enemy is ever on the watch: 'A wooden stake rots, but an enemy doesn't.' Yet another saying—this from west Mat—'Wood rots, a wrong doesn't'. 'A feud can't be forgotten.' 'A man with an enemy is like a hare sitting on its form, he must watch all the time.'

The first precaution a hunted man had to take at home was never to answer the door himself.

Since the laws of hospitality were rigid and seldom transgressed, a guest seldom killed, or was killed by, his host. Frok Gjeta of Kthellë, however, had lost his father at a guest's hands; three men had called and been unsuspectingly admitted; the old man was hospitably making coffee when they suddenly opened fire and killed him.

About 1910 some men called at a house in Orenjë, in Çermenikë, and were admitted by its widowed mistress as guests. They seized the only adult male in the house, her stripling son and, hanging him head downwards by a rope slung across a rafter, demanded money and avowed that they were avenging the murder of one of their kin by the family. The son said he had no money; the mother screamed that she had a little, but they hanged her son.

Another precaution commonly taken by a 'wanted' man was to live in a house of more than one storey. Such a house never had more than slits for windows in the ground floor and those in the upper room were square holes without glass, across which stone shutters were drawn at night. In Çermenikë the outside staircase that led down to the stables on the ground floor was always fenced in carefully with wood. For greater security the women lived on the ground floor protecting the men who lived above. If a man were rich enough, he built a high wall round the house; this gave him the freedom of his courtyard. In this case all the windows looked inwards on the court; the outer walls were blank save for

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to be pardoned; he said it was 'disgraceful', and the plea was allowed.

The Highlanders had still another method. They called a 'St John' an infant which had not yet been sent to have its hair cut by its godfather, it being believed that St John the Baptist was Christ's godfather. When the time for peace-making seemed due, the friends brought pressure to bear to secure forgiveness. This promised, they arranged to take the murderer on a certain day to his enemy's house, his hands again tied behind his back, and take a 'St John' in its cradle with them. Probably they did not bring the murderer into view; at most they kept him in the background. One of the visitors turned the cradle with the infant, who was, as always, well strapped in, upside down, saying to the host, 'Put it straight; Turn it right side up!' If he were willing, and few were not, for leaving the infant upside down might kill it and leave him with innocent blood on his hands, he turned the cradle right side up, saying, 'All right, I pardon him for the sake of God and the Saint'. Then he went and without another word untied the murderer's hands. Next he said, 'A pardon for my murder; a pardon for my father's (or brother's) murder; be it forgiven', and turned to embrace the murderer. Coffee was then served and drunk by all amid general conversation—the Highlanders are unusually lively. Having fixed a day when they would all go to eat a meal with meat at the murderer's house they took their leave. This meal at the murderer's concluded the proceedings; afterwards all went about their business; no cross was made on the enemy's door as in Kurbin.

Friends were not the only interveners. Occasionally the Turkish government took a hand, declaring on penalty of imprisonment, internment and burning out that all feuds more than seven years old were to be compounded by a money payment and not reopened. When during the 1914–18 war Austria-Hungary was in occupation of all north Albania, she also ordered blood feuds to be ended with a money payment; the resentment of Çermenikë at this attempt to force them to make peace on northern terms is still hot. Sometimes a whole community itself interfered. The procedure of west Mat was typical. When a man had been killed on either side and the feud was 'one for one', the neighbours took effective steps to prevent its continuance. They each forbade the avenger to come on his land to kill his enemy; if he did so, he would be considered a trespasser

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and would have a feud with the owner. If, after this warning, the neighbour saw the avenger trying to kill his enemy on his land, he shot at him, and if he killed him, he had no feud; for he had forbidden him to raise his rifle on his land.

Religious influences also were brought to bear on the two enemies. The Bojdani sheikh of Bicaj in Lumë often intervened when there was shooting, both before and after the murder was committed; telling both parties they were in the wrong, he induced them to make peace. There is no record known to the author of an Orthodox priest acquiring influence enough to end a feud, and a Roman Catholic parish priest, though not ridiculed by his flock as his Orthodox brother too often was, had no power to curse people who kept up blood feuds, and without such power he could not compose a feud. Even a bishop was powerless in such cases. Jesuits, on the other hand, had the power and on occasion exercised it; it is commonly believed to this day that they are sent by the Pope and they are correspondingly feared. Every ten years or so, summoned by the archbishop or the priest in charge, at the instance of the village, they toured the Roman Catholic districts, their main object being to compose blood feuds. In 1932 three priests went to Shkrel for the best part of a week. Due warning of their advent had been given, and all devout Roman Catholics were bidden to attend church every day. Banners depicting the flames of hell and the crimes which earned them were hung round the church and the sermons were in the same strain. On the second day these placed emphasis on the privileged position of Roman Catholics; in return for this good Catholics should settle their blood feuds rather than risk losing the blessing of the church for themselves and their families during their lifetime and after it burial in consecrated ground. On the third day the priests inveighed against keeping up grudges; those who cherished their blood feuds risked the curse of God. This meant that nothing would go right for them. They would be shunned by everyone—an engaged girl could not marry with the blessing of the Church, but only by civil marriage—if indeed her betrothed did not prefer to give her up, although this meant losing her bride-price. On this occasion in Shkrel the vehemence of the priests' exhortations and the fear of the consequences of the curse resulted in the termination of several outstanding feuds.

821 wouldn't be able to get out of those sacks, Ha! Ha! Ha!"

628 682 619 What happens when a man kills another of the same tribe can best be learned from the following quotation from Miss Durham.[7]

Murder may be the result of a quarrel or it may be a blood-feud, the cause of which is more or less remote. In either case the man who has taken blood flies at once to a safe place outside the tribe. [Miss Durham is using "tribe" in the restricted sense, as before.] Any house is bound to give him hospitality. In the case of a feud, he is regarded as a most unfortunate man who has but done his duty. He at once proclaims his deed. The headmen of his tribe then meet and order his house to be burnt. Among the Dukagini the council has power also to destroy his crops, cut down his fruit trees, slaughter his beasts, and condemn the land to lie unworked for a term of years. An incredible [672] amount of food-stuff is thus wasted. In this group not only the man who has taken blood, but all the males of his "house," are liable for blood, so they, too, have to fly. The "house" is the home maybe of a whole family community—forty people. But the law is carried out to the last letter. Such desolated spots have I seen. But "It is the Canon, so must be obeyed," was the answer to any remonstrance I made. The women and children may scatter and find shelter in other houses if they can; they usually do. A man can save his house if he can return to it and defend it three days successfully, so that the men sent by the council cannot set fire to it; I saw "a very brave man" in Berisha who had three times saved his house thus. Or a man can save his house by inviting the head of another mehala [household] to act as house lord and defend it with his own men. This might cause severe fighting. The council, to prevent this, then as a rule agrees to burn the house only and spare the property. The amount of property to be destroyed was always decided by the council. . . . In addition to the burning of the house, in all tribes a fine has to be paid. . . . in sheep or cattle. . . . to the Turkish Government. In the case of Maltsia e Madhe this was paid . . . in Scutari. . . . punctually . . . . The Turkish Government had a certain hold on all the nearer tribes, for it could hold as hostage any member of a tribe which owed blood-gelt and came to market at Scutari. The outlying tribes of Dukagini by no means always either notified or paid for their murders.

Feuds being very weakening to a tribe, the headmen of the tribe or friends of the family would attempt to stop the feud. Blood-feuds of the Dukagini

[7] Durham, 1928, pp. 66-68.

[8] Miss Durham translated *bairaktar* as "head of the tribe." This explains her confusion between tribes and *bairaks* noted earlier.

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and Pulati tribes are settled in the mountains; those of Maltsia e Madhe were settled in Scutari before the representatives of those tribes [to the Turkish Government] who lived there.

The peace-making is preceded by the "gjaksur" (he who owes blood) sending some friends to the "zoti i gjakut" (lord of blood) to ask for "besa" (promise of truce). This may be granted and further prolonged, and during the truce the gjaksur and his relatives are safe. To end the feud . . . twenty-four con-jurors are needed to swear the peace oath with the gjaksur. The plaintiff (lord of blood) has the right to name them. Or they may be named by the "bairaktar"* . . . . They examine the facts and decide if peace can be made and on what terms. If all twenty-four agree to take the peace oath with him he is then reckoned innocent, and he and his family do not owe any further blood, but pay blood gelt to the zoti i gjakut. This varied from about £25 to £50. . . .

Agreement having been come to, the whole party goes into the church (or mosque) before which the council has been held . . . and in the presence of the priest the gjaksur swears his innocence. He no longer owes blood. [After the others have all sworn] . . . the gjaksur and the zoti i gjakut frequently ratify the peace by swearing blood brotherhood. . . .

The oath being taken and the blood-gelt paid, the man is free to return to his burnt house and repair it. Being as a rule of solid stone, only the roof and woodwork need renewing. If he is a popular man, other members of the tribe help him both to pay the fine and start life again.*

Within the *bairak*, then, political mechanisms tended to reduce the frequency of murder by making it expensive. Murder between *bairaks* would likewise be discouraged if the central authority of the tribe were strong. Otherwise inter-*bairak* feuds could rage for decades before peacemaking. Whole tribes could likewise be in blood with each other, or with single *bairaks*, just as Mirdita was in blood with Lura during the period in which we are interested.

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A central political authority tended to strengthen the ties between tribal members, and with the numerous council meetings that were called, members of the more prominent families got about frequently within their tribal boundaries. This would give them opportunity to arrange marriages some distance

* In this whole section I have used Miss Durham's spelling of local names, now obsolete. Also, I have left the definite article before *zoti i gjakut*, where it is grammatically superfluous.

prevent enemies from climbing it and from piercing a hole in it to fire on the defenders from above, something that has often happened. Finally, the lavatory is built inside the house. 342 712 [514]

Just as the house of Scodra is the highest point in the evolution of Albanian housig architecture, so is the Kula, according to Nopcsa, the most complete form of defensive houses.

The word Kula is of Arabic origin, and has already been met in Byzantine writers since the 11th century (1). Morever it is also known by the Serbs as early as 1350. Consequently, no Turkish intervention for the construction of the Kula, it is said by Nopcsa, was ever required.

The particular scope determines the building material, plan, dimensions and other construction details of such houses. These buildings are high, towerlike, built of solid stone, providing the greatest possible cover. Narrow loopholes are opened instead of windows, and small towers are built in well selected defensive places.

A veranda and a Kula mutually exclude each other, because if conditions of security allow the building of a house with an open prostoon, same conditions would render the construction of a kula useless. And vice-versa, nobody would ever think of constructing such a type of dwelling, where there is a danger that a veranda might be burned down at night time. This is confirmed by the geographical expansion of the «shpi» (house) and the «kula» (fortified house). Thus, there is a complete absence of typical, towerlike «kulas» in Melcija Madhe, Zadrima, which is situated in a plain, as well as in Bregubuns and Bregumatja, areas that enjoy greater security. On the contrary, in areas where statistics of crime show that a 21-32% of all deaths are caused by murder, we find the kula, while houses with a prostoon are absent. Because of the custom of vengence male members of many families are bound inside their kula for years. [682] [627]

As for the origin of these tower-form houses which, according to Nopcsa, were multiplied in Middle Albania between the years 890 and 1274, Haberlandt believes that from a house-building point of view, they must be derived from the towers and donjons propagated [177] [463]

1) **Anna Komnini**, 2, 124 Bonn: Τὴν μέντοι ἀκρόπολιν, ὅπερ κουλᾶ νῦν ἡ συνήθεια καλεῖν εἴωθεν, ἔτι Κελτοὶ κατεῖχον... (The acropolis, which is now by habit called **kula**, was occupied by Celts...) **G. Kedrinos**, 2, 366: Ὁ Βούρτζης ἰσχυσε λαβεῖν τὸ μέτρον ἑνὸς τῶν πρὸς δύσιν Ἀντιοχείας πύργων, Κάλα τοὔνομα... (Vourtzes had power enough as to take possession of a tower, called **Kala**, at the West of Antiocheia...)